IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA,

Plaintiff,

v.

BILL L. WILMOTH, III,

Defendant.   **No. 09-30049-DRH**

<u>**ORDER**</u>

HERNDON, Chief Judge:

This matter was referred to United States Magistrate Judge Clifford J. Proud for the specific purpose of conducting a change of plea for Defendant Wilmoth, pursuant to **28 U.S.C. § 636, LOCAL RULE 72.1(b)(2)** and Defendant Wilmoth's consent (Doc. 24). Pursuant to **FEDERAL RULE OF CRIMINAL PROCEDURE 11**, the change of plea hearing was held on January 14, 2010 (Docs. 25 & 27). During the change of plea, Defendant Wilmoth plead guilty to Counts 1 & 2 of the Indictment, possession of child pornography in violation of 18 U.S.C. § 2252A(a)(5)(B) and § 2, following a thorough colloquy with Judge Proud. Thereafter, Judge Proud issued a Report and Recommendation ("the Report") recommending that the Court accept Defendant Wilmoth's plea of guilty (Doc. 26).

In accordance with **28 U.S.C. § 636(b)(1)(B)**, the parties were allowed fourteen days to file written objections. As of this date, neither party has filed an objection. Therefore, the Court **ADOPTS** the Report in its entirety. Thus, it is the

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finding of the Court in the case of *United States v. Bill L. Wilmoth, III*, that Defendant Wilmoth was fully competent and capable of entering an informed plea, that he was aware of the nature of the charges and the consequences of the plea, and that the plea of guilty was a knowing and voluntary plea supported by an independent basis in fact containing each of the essential elements of the offense. Accordingly, the Court **ACCEPTS** Defendant Wilmoth's guilty plea and **ADJUDGES** him **GUILTY** on Counts 1 & 2 of the Indictment. The Court **REMINDS** the parties that this matter for sentencing on April 20, 2010 at 9:30 a.m.

IT IS SO ORDERED.

Signed this 3rd day of February, 2010.

/s/   *David R Herndon*

Chief Judge
United States District Court